United Nations A/HRC/34/15

General Assembly

Distr.: General
1 February 2017

Original: English

Human Rights Council
Thirty-fourth session
27 February-24 March 2017
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Question of human rights in Cyprus

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report, which covers the period from 1 December 2015 to 30 November 2016, provides an overview of specific human rights concerns in Cyprus, including with regard to the right to life and the question of missing persons, the principle of non-discrimination, freedom of movement, property rights, freedom of religion and cultural rights, freedom of opinion and expression, and the right to education, and the importance of a gender perspective when negotiating and implementing peace agreements.

GE.17-01482(E)

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I. Introduction

1. The present report was prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) pursuant to Commission on Human Rights resolutions 4 (XXXI), 4 (XXXII) and 1987/50, and Human Rights Council decision 2/102.[1]

2. As at 30 November 2016, Cyprus remained divided, with a buffer zone maintained by the United Nations Peacekeeping Force in Cyprus (UNFICYP). UNFICYP was established pursuant to Security Council resolution 186 (1964) to prevent a recurrence of fighting between the Greek Cypriot and Turkish Cypriot communities on the island, and to bring about a return to normal conditions. Its responsibilities were expanded in 1974 following a coup d'état by elements favouring union with Greece and a subsequent military intervention by Turkey, whose troops established control over the northern part of the island. Since the de facto ceasefire in August 1974, UNFICYP has supervised the ceasefire lines, provided humanitarian assistance and maintained a buffer zone between the Turkish and the Turkish Cypriot forces in the north and the Greek Cypriot forces in the south (see also www.unficyp.org).

3. From 1 December 2015 to 30 November 2016, substantive negotiations on a comprehensive settlement in Cyprus continued under the auspices of the Secretary-General's good offices, under the leadership of Special Adviser of the Secretary-General on Cyprus, Espen Barth Eide. The Greek Cypriot leader, Nicos Anastasiades, and the Turkish Cypriot leader, Mustafa Akıncı, have maintained a steadfast commitment to the process. They continued to engage in person in extensive discussions on a wide range of issues across the chapters under negotiation: governance and power-sharing (including the questions of citizenship, immigration, and residency); the economy; European Union matters; property; territory; and security and guarantees. During the period under review, the pace and regularity of the meetings continued to be accompanied by a serious and determined effort to move the process forward, even though the issues on the table proved, at times, to be complex and challenging (S/2016/599, para. 5).

4. In a joint statement issued on 15 May 2016 to mark the first anniversary of their talks, the leaders expressed their satisfaction with the essential progress that had been made during a year of intensive negotiations, underlining their commitment to intensify their efforts with the aim of reaching a comprehensive settlement agreement in 2016. Building on that statement, the leaders issued another statement on 8 June, in which they announced that they had agreed to intensify negotiations and to start meeting twice a week, beginning 17 June 2016, to work to resolve outstanding issues in an agreed structured manner.

5. The leaders completed an intensive phase of eight meetings on 14 September 2016, holding substantive discussions on a number of issues and taking stock of the process after 16 months of negotiations. The leaders reiterated that they remained determined to do their utmost to reach a comprehensive settlement as described in the joint declaration of 11 February 2014. All chapters are being discussed interdependently. Significant progress was made on many of the outstanding issues on the chapters of governance and power-sharing, the economy, European Union matters and property, even though certain substantial divergences remain. The two leaders also exchanged views and positions, in a brainstorming session, on the chapters of security and guarantees, and territory.

[1] For an overview of resolutions on the question of human rights in Cyprus, see A/HRC/22/18, paras. 1-4.

6. Intensive talks continued in Mont Pèlerin, Switzerland, from 7 to 11 and on 20 to 21 November 2016, focused on the chapter of territory and all other outstanding issues, interdependently with the other chapters.

7. In its resolution 2300 (2016), the Security Council welcomed the commitments set out in the joint statements of the Greek Cypriot and Turkish Cypriot leaders of 15 May and 8 June 2016 on the basis of the joint declaration adopted on 11 February 2014, and welcomed the progress made in negotiations since then. The Council noted, however, that the negotiations had not yet resulted in an enduring, comprehensive and just settlement based on a bicommunal, bizonal federation with political equality, as set out in relevant Council resolutions. It therefore encouraged the sides to intensify the substantive negotiations on the unresolved core issues interdependently, stressing that the status quo was unsustainable.

8. In the absence of an OHCHR field presence in Cyprus, OHCHR relied, in the preparation of the present report, on a variety of sources with particular knowledge of the situation of human rights on the island, and also on the recent findings of international and regional human rights mechanisms. UNFICYP, the Secretary-General's good offices, the secretariat of the Committee on Missing Persons in Cyprus and various stakeholders were consulted in the preparation of the present report.

II. Challenges for the implementation of international human rights standards in a protracted conflict

9. Various United Nations treaty bodies and the special procedures of the Human Rights Council have voiced their concerns at the factors and difficulties impeding the implementation of international human rights standards on the whole island owing to the protracted conflict. In the period under review, the Committee on Economic, Social and Cultural Rights (E/C.12/CYP/CO/6), the Committee against Torture (CAT/C/TUR/CO/4), the Working Group on Enforced or Involuntary Disappearances (A/HRC/33/51/Add.1) and the Special Rapporteur in the field of cultural rights[2] made recommendations addressed to Cyprus, the Turkish Cypriot authorities and Turkey.

10. While noting that Cyprus does not exercise control over all of its territory and is thus unable to protect and promote the rights enshrined in the International Covenant on Economic, Social and Cultural Rights throughout the island, the Committee on Economic, Social and Cultural Rights expressed deep concern at the massive destruction of cultural heritage sites and artefacts, mostly in the northern part of Cyprus, and also at the limited access of people in Cyprus to their cultural heritage sites (E/C.12/CYP/CO/6, para. 43).

11. At the conclusion of her visit to the island from 24 May to 2 June 2016, the Special Rapporteur in the field of cultural rights noted that the current political situation in Cyprus had created many obstacles to the enjoyment of cultural rights, and in particular to their enjoyment without discrimination. She was struck by the administrative obstacles the division of Cyprus posed for individuals, whether in their access to cultural heritage, visiting cemeteries, registering marriages or even insuring their vehicles. She noted that the division had led to mistrust, which was magnified by the resultant logistical obstacles; for example, it was reported that children from the north found it difficult to enter the buffer zone for cultural or educational activities. Academics, intellectuals and cultural heritage professionals from all parts of the island wishing to collaborate were unable to do so,

[2] See "Preliminary conclusions and observations by the Special Rapporteur in the field of cultural rights at the end of her visit to Cyprus", press release, 2 June 2016. See also A/HRC/34/56/Add.1.

despite the desperate need and their good will. Each of these limitations had resulted from the lack of a political solution, but also created barriers to the realization of such a solution.[3]

12. The Special Rapporteur in the field of cultural rights also referred to her experiences during her visit, for example standing in a crumbling church in the north where animal excrement was mingled with rubbish on the floor, while children played outside under a dangerously weak arch, or having seen, in a mosque in the south, copies of the Koran damaged by water used to put out the fire of an arson attack, reportedly carried out by extremists. The Special Rapporteur nonetheless also spoke with Greek Cypriots who had wept over the arson attack on a mosque in the south and who were working to repair the damage done; and she met with Turkish Cypriots fighting for the rights of the Greek Cypriots formerly from their city to have free access to its religious sites, and trying to repair as many sites as possible. She also noted that some Muslim and Christian religious leaders were courageously taking part in the religious services and occasions of others, actions that gave her hope. The Special Rapporteur concluded that what Cypriots collectively and their authorities chose to do with the sometimes challenging but very fruitful intersections would shape the cultural rights of all those who would inhabit the island for years to come. If positive, open and forward-looking choices were made, as called for by the Special Rapporteur, they could contribute to a speedier solution, strengthen the protection of human rights and even set an important example for the entire world in turbulent times.[4]

III. Specific human rights concerns

13. The persisting division of Cyprus continues to have consequences on human rights protection throughout the whole island, including the right to life and the question of missing persons; the principle of non-discrimination; freedom of movement; property rights; freedom of religion and cultural rights; freedom of opinion and expression; and the right to education. In addition, it is important that a gender perspective be adopted when negotiating and implementing peace agreements (see paras. 51 – 56 below).

A. Right to life and the question of missing persons

14. According to article 3 of the Universal Declaration of Human Rights, everyone has the right to life, liberty and security of person. Furthermore, article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance provides that any act of enforced disappearance is an offence to human dignity, placing the persons subjected thereto outside the protection of the law and inflicting severe suffering on them and their families. Any act of enforced disappearance also violates or constitutes a grave threat to the right to life.

15. In its resolution 2300 (2016), the Security Council noted with regret that the two sides were withholding access to the remaining minefields in the buffer zone, while also noting the continued danger posed by mines in Cyprus, and the proposals, discussions and positive initiatives on demining. It urged rapid agreement on facilitating the recommencement of demining operations and clearance of the remaining minefields. The Council called upon both sides to allow access to deminers and to facilitate the removal of

[3] Ibid.
[4] Ibid.

the remaining mines within the buffer zone, and urged them to extend demining operations outside the buffer zone.

16. Following up on demining work carried out in the previous period under review, UNFICYP started the clearance of five dangerous areas in the north identified during the survey of the 28 minefield locations released by Mr. Anastasiades to Mr. Akıncı in May 2015 as part of leader-to-leader confidence-building measures. With funding included in the UNFIYCP budget for 2016/17, technical expertise from the United Nations Mine Action Service was embedded in the mission to help to establish the Mine Action Coordination Cell, while clearance work was contracted to a civilian demining organization (S/2016/598, para. 10). During the period under review, three of the five tasks and two additional ad hoc support tasks were completed. Work on the two remaining tasks was expected to begin in 2017.

17. With regard to the minefield north of the buffer zone in Mammari, which caused a mine-wash in 2015 as a result of heavy rains, no progress was registered on the clearance of the minefield, despite assurances by the Turkish Cypriot security forces. Nor has progress been made in clearing the four known remaining minefields in the buffer zone, of which three belong to the National Guard and one to the Turkish forces. While the Turkish Cypriot side indicated that it would accept the clearance of all four areas as a package, the Greek Cypriot side maintained the position that its three minefields were required to counter a perceived threat. Efforts continued at all levels to advance a more comprehensive approach to demining both inside and outside the buffer zone (ibid., para. 11).

18. As a result of the intercommunal fighting of 1963 and 1964, and of the events of July 1974 and afterwards, a total of 1,508 Greek Cypriots and 493 Turkish Cypriots have been officially reported as missing by both communities to the Committee on Missing Persons in Cyprus. During the period under review, the Committee continued its bicommunal project on the exhumation, identification and return of the remains of missing persons. As at 30 November 2016, the remains of 1,192 individuals had been exhumed on both sides of the buffer zone by the Committee's bicommunal teams of archaeologists; of these, the remains of 737 missing individuals had been identified and returned to their respective families, including 112 in 2016.[5] Members signed an agreement to initiate research into archives of security forces and international organizations present in Cyprus in 1963 and 64, and in 1974, with the aim of locating information on additional burial sites of missing persons.

19. In its resolution 2263 (2016), the Security Council welcomed all efforts to accommodate the exhumation requirements of the Committee on Missing Persons, and the joint appeal for information made by the two leaders on 28 May 2015. Given the need to intensify the Committee's work, the Council called upon all parties to provide more expeditious, full access to all areas.

20. At the conclusion to its visit to Turkey, conducted from 14 to 18 March 2016, the Working Group on Enforced or Involuntary Disappearances welcomed the information that the excavation teams of the Committee on Missing Persons in Cyprus would have access to all 30 currently known suspected burial sites in military areas in the north of Cyprus. Access would be given over a three-year period, starting in January 2016, with 10 sites to be excavated each year (A/HRC/33/51/Add.1, para. 28).

[5] This figure does not include 119 individuals who were identified by the Committee but are not on the official list of missing persons; see Committee on Missing Persons in Cyprus, Figures and Statistics of Missing Persons up to 30 November 2016, available at www.cmp-cyprus.org/sites/default/files/facts_and_figures_30-11-2016.pdf.

21. In its concluding observations on the fourth periodic report of Turkey, with regard to the issue of the missing persons in Cyprus, the Committee against Torture expressed its appreciation for the cooperation of Turkey with the Committee on Missing Persons to ensure progress in the search for and identification of remains of missing persons. The Committee against Torture expressed, however, its concern that, while Turkey indicated that the Attorney General's office of the Turkish Cypriot authorities had completed its review of 94 case files returned to it by the Committee on Missing Persons, no criminal investigations had been opened and no other measures taken to ensure accountability for the perpetrators in any of the cases. It also expressed its concern that Turkey had not implemented the decision of the European Court of Human Rights in *Cyprus v. Turkey*. The Committee against Torture called upon Turkey to continue cooperation with the Committee on Missing Persons in Cyprus and to enhance efforts to ensure criminal accountability for perpetrators (CAT/C/TUR/CO/4, paras. 21-22).

22. On 11 March 2016, the Ministers' Deputies of the Council of Europe noted with satisfaction that, in November 2015, the Turkish authorities had granted the Committee on Missing Persons access to 30 additional military areas. They welcomed the call made in December 2015 by the leaders of the Greek Cypriot and Turkish Cypriot communities for any person possessing information on possible burial places of missing persons to submit it to the Committee, and reaffirmed the urgency for the Turkish authorities to intensify their proactive approach to providing the Committee with all necessary assistance to achieve tangible results as quickly as possible. The Deputies called upon the Turkish authorities to give unhindered access to the Committee to all possible military zones located in the northern part of Cyprus, and to examine *proprio motu* the reports and military archives in their possession containing information on burial sites, including of relocated remains, and to transmit it to the Committee. The Deputies took note with interest of the additional information provided by the Turkish authorities on the progress made in the investigations conducted by the Missing Persons Unit, including the finalization of a number of the investigations (including that conducted with regard to Savvas Hadjipanteli, one of the missing persons in the *Varnava* case). The Deputies called upon the Turkish authorities to ensure the effectiveness of the investigations and their rapid conclusion. They insisted on the unconditional obligation to pay the just satisfaction awarded in the cases of *Cyprus v. Turkey* and *Varnava and others v. Turkey* by the European Court of Human Rights, and called upon the Turkish authorities to pay without delay the sums awarded in the judgment of 12 May 2014.[6]

23. Furthermore, in the meetings of the Ministers' Deputies of the Council of Europe held in March, June and September 2016, the Deputies firmly insisted on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court of Human Rights in the *Varnava and Others v. Turkey* and *Xenides-Arestis* group of cases, deplored the absence of progress in this respect, and exhorted Turkey to comply with this obligation without further delay. Noting with interest the letter dated 28 April 2016 from the Secretary General of the Council of Europe addressed to the Minister for Foreign Affairs of Turkey raising the issue of the payment of just satisfaction in these cases, the Deputies on 9 June 2016 regretted the absence of any response from the Turkish authorities in this matter.[7]

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[6] Council of Europe Committee of Ministers, decisions adopted at the 1250th meeting on 8-10 March 2016 (CM/Del/Dec(2016)1250/H46-26 and 27 (2016)) on the cases of *Cyprus* v. *Turkey* and *Varnava and Others* v. *Turkey*.

[7] Council of Europe Committee of Ministers, decisions adopted at the 1250th meeting on 8-10 March 2016 (CM/Del/Dec(2016)1250/H46-27 and 28(2016)) on the cases of *Varnava and Others v. Turkey* and *Xenides-Arestis group v. Turkey*; Council of Europe Committee of Ministers, decisions adopted at the 1259th meeting on 7-8 June 2016 (CM/Del/Dec(2016)1259/H46-37 and 38(2016)) on the cases of

B. Non-discrimination

24. According to article 7 of the Universal Declaration of Human Rights, all are equal before the law and are entitled without any discrimination to equal protection of the law.[8] Furthermore, all are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination.

25. As at 31 December 2015, there were as many as 272,000 internally displaced persons living in the part of the island controlled by the Government of the Republic of Cyprus. When compared with previous years, the number of internally displaced persons remained unchanged, with no new displacement and no returns recorded in 2015.[9]

26. The Committee on Economic, Social and Cultural Rights has expressed its concern at the persistent discrimination against Turkish Cypriots, non-European Union migrants (third-country migrants) and members of ethnic minorities, especially Roma. While noting the legal and institutional measures taken by Cyprus to combat discrimination, the Committee also expressed its concern at the remaining discriminatory provisions in existing legislation, such as section 5 of the Equal Treatment in Employment and Occupation Law of 2004, which does not cover discrimination based on nationality. The Committee was also concerned at the legal protection gap regarding multiple discrimination and the limited scope of anti-discrimination jurisprudence, reportedly owing to the lack of awareness of anti-discrimination laws (E/C.12/CYP/CO/6, para. 13).

27. The Committee on Economic, Social and Cultural Rights recommended that Cyprus further strengthen its anti-discrimination legislative framework, including by reviewing the existing anti-discrimination laws, and urged it to review existing legislation with a view to removing all discriminatory provisions. The Committee also recommended the adoption of a comprehensive anti-discrimination law that prohibits all direct, indirect and multiple forms of discrimination on any grounds and provides for effective remedies for victims of discrimination, including within judicial and administrative proceedings. It further recommended that Cyprus intensify its efforts to raise awareness of the anti-discrimination legal framework among the public, particularly rights-holders and judicial and law enforcement officials (ibid., para. 14).

28. During the period under review, UNFICYP continued to engage with local authorities to ensure access to health-care, welfare and educational services for Turkish Cypriots residing in the south (S/2016/598, para. 17). In order to promote enhanced cooperation in old town Nicosia, the Mission facilitated meetings between the Nicosia municipal offices, including through 12 joint meetings to develop projects to address environmental, social and health issues of common concern (ibid., para. 19). The Secretary-General reiterated his call upon both community leaders to make efforts to create a climate conducive to achieving greater economic and social parity between the two sides and to widen and deepen economic, social, cultural, sporting or similar ties and contacts, including with a view to encouraging trade, promoting trust between the communities and helping to address the Turkish Cypriots' concerns of isolation. He commended the ongoing dialogue among religious leaders, whose joint efforts fostered greater understanding and reduced

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Varnava and Others v. Turkey and *Xenides-Arestis group v. Turkey*; Council of Europe Committee of Ministers, decisions adopted at the 1265th meeting on 20-21 September 2016 (CM/Del/Dec(2016)1265/H46-30 and 31(2016)) on the cases of *Varnava and Others v. Turkey* and *Xenides-Arestis group v. Turkey*.

[8] See also the International Covenant on Civil and Political Rights, art. 26.

[9] Internal Displacement Monitoring Centre, Norwegian Refugee Council, *Global Report on Internal Displacement 2016*, May 2016, p. 97.

mistrust, and urged both sides to support that dialogue by ensuring that the trend continued towards full access to places of worship. He also encouraged them fully to engage civil society in the ongoing process with a view to fostering grass-roots support for a solution (ibid., paras. 42-43).

29. In the period from 9 December 2015 to 24 June 2016, UNFICYP continued to provide humanitarian support to 332 Greek Cypriots and 103 Maronites residing in the northern part of the island. UNFICYP facilitated the post-mortem transfer of six Greek Cypriots for burial in the north and continued to provide logistical support to and visit the Greek Cypriot primary and secondary schools on the Karpas Peninsula. While a Greek Cypriot nurse provided services at a local clinic in the Karpas Peninsula, the request for a Greek-speaking doctor to attend to the health needs of elderly Greek Cypriots remained outstanding (ibid., para. 17).

C. Freedom of movement

30. According to article 13 of the Universal Declaration of Human Rights, everyone has the right to freedom of movement and residence within the borders of each State, as well as the right to leave any country, including his own, and to return to his country.[10] In Cyprus, however, crossings between the northern and the southern parts of the island are still possible only through official crossing points (currently seven), a situation that obviously limits the freedom of movement. Between 1 December 2015 and 30 November 2016, UNFICYP reported 2,056,145 official crossings through the buffer zone. In July 2016, the Secretary-General noted the disappointment of both communities by delays in progress on the opening of the two new crossings at Lefka-Aplici/Lefke-Aplıç and Deryneia/Derynia, which had been announced in 2015 (S/2016/598, para. 27).

31. Although all Cypriots may, as long as they have their documents, cross the buffer zone to visit sites on an individual basis at any time and in either direction, the Special Rapporteur in the field of cultural rights noted that collective visits with the intention of using sites in the north for religious purposes is subject to a lengthy and tedious process of approval that discourages such use and is felt as a humiliation by some. She also noted that persons of Turkish nationality, including young people who may be born on the island, cannot travel to the south for cultural events or to visit religious sites without special intervention. She furthermore stressed that understanding the link between cultural heritage and culture, social practices and interaction is critical to a human rights-based approach to the issue. Thanks to the opening of the crossings in Cyprus, people had returned to visit their old villages and neighbourhoods, their former churches, mosques and cemeteries, and thus had begun talking to each other again, re-establishing contacts and re-humanizing each other.[11]

32. In its twelfth report on the implementation of Council Regulation (EC) No. 866/2004, the European Commission noted an increase in the number of Turkish Cypriots and a slight decrease in the number of Greek Cypriots crossing the Green Line in 2015 compared with previous years.[12] Even though no incidents concerning crossings were reported in 2015, the Commission noted that, at the time of reporting, Turkish Cypriot buses carrying European Union citizens were still not permitted by the authorities of the Republic of Cyprus to cross into the government-controlled areas.

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[10] See also the International Covenant on Civil and Political Rights, art. 12.

[11] See "Preliminary conclusions and observations by the Special Rapporteur in the field of cultural rights" (see footnote 2).

[12] Report from the Commission to the Council, COM(2016) 494 final, 4 August 2016, p. 2.

33. Progress on the implementation of confidence-building measures agreed to and announced by the leaders in 2015 has been mixed. The requirement to fill in administrative forms at crossing points was lifted immediately and considerable progress in demining was made in 2015. While initial work was carried out around agreed new crossing points and on the interconnectivity of electricity grids, no progress has been made on the interoperability of mobile telephones to date (S/2016/598, para. 30).

D. Property rights

34. According to article 17 of the Universal Declaration of Human Rights, everyone has the right to own property alone as well as in association with others, and no one is to be arbitrarily deprived of his property.

35. With regard to property claims in the northern part of the island, as at 30 November 2016, a total of 6,307 applications had been lodged with the Immovable Property Commission since its establishment, of which 787 were concluded through friendly settlements and 16 through formal hearings. The Commission has paid a total of £227,954,904 in compensation. Moreover, the Commission ruled for exchange and compensation in two cases, for restitution in two cases, and for restitution and compensation in five cases. In one case, it delivered a decision for restitution after the settlement of the Cyprus issue, and in another case it ruled for partial restitution.

36. During the period under review, the leaders, together with their negotiators and with teams of experts, worked particularly intensively on the property chapter of negotiations. Taking into consideration the framework announced on 27 July 2015, in which the leaders had agreed that the individual's right to property would be respected and that there would be different alternatives for the regulation of the exercise of that right, the sides initially held the negotiations on property on the basis of their respective position papers and materials. Following detailed, serious and, at times, difficult discussions, they were able to formulate a joint paper on property. While divergences remain and are recorded in the joint paper, it is important to note that this was the first time in the talks that the sides negotiated this critical chapter on the basis of a joint document. The sides focused in particular on such issues as the categories of affected properties, definitions, criteria, and the composition and functioning of the Property Commission, which will be mandated to resolve property claims (S/2016/599, para. 10).

E. Freedom of religion and cultural rights

37. According to article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion, which includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.[13] Furthermore, according to article 27, everyone has the right freely to participate in the cultural life of the community, to enjoy the arts as well as to share in scientific advancement and its benefits.[14]

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[13] See also the International Covenant on Civil and Political Rights, art. 18, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55).

[14] See also the International Covenant on Economic, Social and Cultural Rights, art. 15.

38. Religious and commemorative events, in the north for Greek Cypriots and in the south for Turkish Cypriots, permit Cypriots to continue traditional religious practices and, in some cases, provide important opportunities for interaction between members of the communities. In the period from 19 December 2015 to 24 June 2016, UNFICYP facilitated the participation of more than 15,000 persons at some 50 religious services and commemorative events, which were either conducted in the buffer zone or required crossing the buffer zone, including at two newly accessible sites for worship in the north, namely the Maronite Church of St. Anne in Famagusta and the Cypriot Church of St. John the Baptist in Argaki. UNFICYP also facilitated the crossing of nearly 1,000 pilgrims from the north to the Hala Sultan Tekke mosque in Larnaca (S/2016/598, para. 23).

39. The religious leaders of Cyprus continued their dialogue and joint efforts. On 10 February 2016, they reiterated their full support for the negotiations for a settlement of the Cyprus problem in a statement to the press, in which they called for the further easing of restrictions on freedom of religion, including improved access to destroyed or neglected places of worship and cemeteries in need of repair. In March, the religious leaders delivered the first jointly signed letter to the leaders, outlining their expectations in a settlement with regard to the administration of properties belonging to religious institutions (ibid., para. 25).

40. Following the sustained engagement on Cyprus issues by the Special Rapporteur on freedom of religion or belief, the religious leaders made their second joint presentation, to the Human Rights Council at its thirty-first session and at a parallel meeting, hosted by the Permanent Mission of Sweden to the United Nations Office at Geneva, jointly highlighting their cooperative efforts for the realization of freedom of religion or belief across the island.

41. In May 2016, the Turkish Cypriot authorities proposed policy changes that, if implemented, would lead to a reduction in approvals for religious services in the north of the island. In an effort to ensure continued access to religious sites, the Special Adviser and Special Representative of the Secretary-General intervened in support of access to all religious sites (ibid., para. 24). Issues relating to freedom of worship were also raised by the Special Rapporteur in the field of cultural rights, who visited sites of cultural importance during her mission to Cyprus in 2016 and held meetings with a wide range of interlocutors. While encouraged by the announcement that additional restrictions would not be implemented by the Turkish Cypriot authorities, the Special Rapporteur noted that confusion and uncertainty remained in the way existing arrangements would be interpreted in the future. She encouraged the Turkish Cypriot authorities to revise existing restrictions in the northern part on the accessibility of religious buildings, sites or cemeteries and the holding of religious services to bring them into compliance with international standards protecting the right to freedom of religion and belief and the right to enjoy and access cultural heritage, as recommended by the Special Rapporteur on freedom of religion or belief following his mission to Cyprus in 2012 (see A/HRC/22/51/Add.1).

42. In his thematic report submitted to the Human Rights Council at its thirty-first session, the Special Rapporteur on freedom of religion or belief noted that the enhanced interreligious communication between Christian and Muslim leaders had led to breakthroughs, including the re-opening of churches and mosques that had been inaccessible for decades owing to the protracted conflict on the island. Religious leaders had initiated emergency measures and cleaned up each other's places of worship, thus creating an atmosphere of goodwill and trust. The Special Rapporteur stressed that some interreligious encounters in Cyprus had been open to participation beyond the traditional religious communities, including Evangelicals, Baha'is, Buddhists and others, thus building awareness on the further emergence of religious pluralism (A/HRC/31/18, para. 42).

43. In its concluding observations on the sixth periodic report of Cyprus, the Committee on Economic, Social and Cultural Rights welcomed the establishment of the bicommunal Technical Committee on Cultural Heritage, in charge of the preservation and restoration of

cultural heritage sites in both the southern and northern parts of Cyprus. The Committee recommended that Cyprus take all measures necessary and appropriate to restore the damaged cultural heritage sites and artefacts and preserve the remaining ones, including by strengthening the Technical Committee on Cultural Heritage with sufficient resources. It also recommended that the State party take effective measures to ensure that people in Cyprus could freely visit cultural heritage sites in both the southern and northern parts of the island (E/C.12/CYP/CO/6, paras. 43-44). The Dhenia mosque inside the buffer zone suffered extensive damage as a result of an arson attack on 21 February 2016. Both leaders immediately condemned the attack in separate statements. The mosque had previously been vandalized, in January 2013, and had just been restored through the Technical Committee on Cultural Heritage programme in December 2014 with the support of the United Nations Development Programme (UNDP) and funding from the European Union. No arrests were made (S/2016/598, para. 14).

44. UNDP, with strong support from the European Union, continued to work closely with the Technical Committee on Cultural Heritage and the Technical Committee on Crossings. During the period under review, work on three cultural heritage sites in the walled city of Famagusta progressed, while other large projects, such as Agios Panteleimonas and Apostolos Andreas, were expected to be completed by the end of 2016. UNDP also facilitated guided tours to ongoing heritage conservation projects, while the Technical Committee on Cultural Heritage raised awareness of ongoing works through presentations and media appearances. On 15 and 16 April, more than 200 people from both communities participated in an event to mark the International Day for Monuments and Sites (ibid., para. 29). In support of a political settlement, UNDP continued to facilitate the Cyprus dialogue forum, bringing together 94 organizations from both communities, including political parties, businesses and industries, trade unions, non-governmental organizations and civil society organizations to build consensus on essential socioeconomic issues related to a settlement (S/2016/11, para. 31).

F. Freedom of opinion and expression

45. According to article 19 of the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

46. The Special Rapporteur in the field of cultural rights expressed deep concern to see place names significantly altered in the north, changing the symbolic, historic and cultural landscape, with many Greek Cypriots and Turkish Cypriots both rejecting the use of the new names. At the same time, she expressed concern that the Law on the Procedure for the Standardization of Geographical Names of the Republic, which criminalizes the publication of, inter alia, material containing place names in the Republic that are different from those specified in official documents, appears to be incompatible with the right to freedom of expression and creates obstacles to those wishing to travel in the north and discuss cultural heritage-related issues.[15]

[15] See "Preliminary conclusions and observations by the Special Rapporteur in the field of cultural rights" (see footnote 2).

G. Right to education

47. According to article 26 of the Universal Declaration of Human Rights, everyone has the right to education;[16] education should be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms; it should promote understanding, tolerance and friendship among all nations, racial or religious groups, and further the activities of the United Nations for the maintenance of peace. The Declaration also provides that parents have a prior right to choose the kind of education that is given to their children.

48. Universities in the northern part of the island are not recognized by the Republic of Cyprus, and Turkish Cypriot students still face limited access to European Union exchange and educational programmes. Under European Union Council Regulation (EC) No. 389/2006, the European Commission established a scholarship scheme for the Turkish Cypriot community in order to address this lack of mobility. The scheme allows Turkish Cypriot students and professionals to spend up to one academic year abroad at a university or other host institution in the European Union, and has included host institutions on the southern part of the island since 2013. The purpose is both to ensure academic attainment and to bring Turkish Cypriots closer to the culture and values of the European Union. For the 2015-16 academic year, 125 participants were granted scholarships, including undergraduate and graduate students, researchers and professionals. Considerable attention was paid to informing students about opportunities outside the United Kingdom of Great Britain and Northern Ireland, as well as developing an alumni network and monitoring medium-term impact, for example the return rate of students to Cyprus and success in finding employment.[17]

49. UNFICYP provided logistical support to and visited the Greek Cypriot primary and secondary schools on the Karpas Peninsula. It noted that the Turkish Cypriot authorities continued to review all textbooks used for teaching in the Rizokarpaso elementary and secondary schools, and had rejected 6 out of 124 textbooks used. There were no developments regarding the establishment of a Turkish language school in Limassol, although Turkish-speaking pupils in the area continued to have access to Turkish language classes at a high school and a primary school (S/2016/598, para. 17).

50. The bicommunal Technical Committee on Education, established in November 2015, has continued to meet and to work on various initiatives, including an open day held on 2 June 2016 to mark the International Children's Day, which brought together more than 100 school children from across the divide and was attended by the leaders. The Committee reviews existing research and good practices in education in Cyprus and abroad, undertakes new relevant research on how education might contribute to peace and reconciliation, works on devising a mutually acceptable mechanism for the implementation of confidence-building measures in schools and promotes contact and cooperation between students and educators from the two communities (see S/2016/15, para. 13). It also recommends best policy options and courses of action to allow for the coordination of the two educational systems, thereby contributing to a viable, sustainable and functional bicommunal and bizonal federation.

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[16] See also the International Covenant on Economic, Social and Cultural Rights, arts. 13 and 14, and the Convention on the Rights of the Child, arts. 28 and 29.

[17] Tenth Annual Report 2015 on the implementation of Community assistance under Council Regulation (EC) No. 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community, Brussels, 4 August 2016.

H. Gender perspective

51. In its resolution 1325 (2000) on women, peace and security, the Security Council called upon all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including (a) the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; and (c) measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the Constitution, the electoral system, the police and the judiciary.

52. With regard to Cyprus, the Security Council reiterated, in its resolutions 2263 (2016) and 2300 (2016), that the active participation of civil society groups, including women's groups, was essential to the political process and could contribute to making any future settlement sustainable. It also recalled that women played a critically important role in peace processes, and welcomed all efforts to promote bicommunal contacts and events, including by all United Nations bodies on the island. It also welcomed the efforts of UNFICYP to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct. It requested the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urged troop-contributing countries to take appropriate preventive action, including the conduct of predeployment awareness training, and to take disciplinary and other action to ensure full accountability in cases of such conduct involving their personnel.

53. The Committee on Economic, Social and Cultural Rights has expressed concern at the large gender disparity in labour market participation and the large gender pay gap due to vertical and horizontal occupational sex segregation. It also expressed its concern that, despite the increase in the number of women in Parliament, they are still underrepresented at decision-making levels in both the public and private sectors. Regretting the insufficient information on women's representation at decision-making levels in the public sector, including the executive and the judiciary, and in the private sector, the Committee recommended that Cyprus take all measures necessary to (a) increase the level of participation of women in the labour market; (b) increase women's representation in decision-making positions in the public sector, and encourage greater representation of women in senior positions in the private sector; (c) close the pay gap between men and women, including by strengthening the enforcement of the Law on Equal Pay for Men and Women for Equal Work or Work of Equal Value (Amendment) of 2014; and (d) ensure the full implementation of the measures outlined in the National Action Plan on Gender Equality 2014-2017 (E/C.12/CYP/CO/6, paras. 17-18).

54. On 3 and 4 November 2016, the Cyprus Women's Lobby and World Vision International held a conference attended by the Special Representative of the Secretary-General and at which civil society, the Government and the international community discussed the role of women in the peace and security agenda, including within the Cyprus context, and also touched on issues of relevance to the future solution of the Cypriot question, education and human security.

55. In his most recent report on his mission of good offices in Cyprus, the Secretary-General reported that the bicommunal Technical Committee on Gender Equality, established by the leaders in May 2015, had met on various occasions and was involved in a series of events organized to raise awareness of the importance of the involvement of women in the peace process, on the basis of Security Council resolution 1325 (2000) (S/2016/15, para. 13). He was encouraged by the concrete steps taken to foster the

participation of women in the negotiations. Notably, in addition to the establishment of the Committee, both sides had increased the number of women directly involved in the talks, either as members of the negotiating teams or as members of the working groups of experts, often in leading positions. Those steps were testimony to the increasing awareness, in the context of the Cyprus peace process, of the importance of ensuring a greater gender perspective in the talks (ibid., para. 22).

56. UNFICYP, the Secretary-General's mission of good offices and UNDP worked closely with the Technical Committee on Gender Equality during the period under review. As part of an ongoing series of gender-related panel discussions, the Committee hosted a panel discussion on how women made peacebuilding better on 10 March 2016 to mark International Women's Day, with the facilitation of UNFICYP and the Secretary-General's mission of good offices. The Committee also met with the Regional Director for Europe and Central Asia of the United Nations Entity for Gender Equality and the Empowerment of Women during her visit to Cyprus on 5 and 6 May 2016. The Regional Director encouraged women to participate actively in politics, peacebuilding and governance, and voiced her support for bicommunal cooperation on the preparation of an action plan for the implementation of Security Council resolution 1325 (2000) (S/2016/598, para. 28).

IV. Conclusions

57. **During the period under review, there were several positive developments with regard to the promotion and protection of human rights in Cyprus. They included progress in the search for and identification of the remains of missing persons; an encouraging level of interreligious communication and cooperation; the completion of several conservation works of cultural heritage sites on the whole island; and the ongoing work of the bicommunal committees on gender equality, on cultural heritage and on education.**

58. **While there was some positive progress on demining the remaining minefields, both sides have been encouraged to advance a more comprehensive approach to demining within and outside the buffer zone. The continued danger posed by minefields to the right to life illustrates the human rights implications of the protracted conflict in Cyprus. The persistent division of the island still hinders the full enjoyment of all human rights and fundamental freedoms, including with regard to the question of missing persons, the principle of non-discrimination, freedom of movement, property rights, freedom of religion and cultural rights, freedom of opinion and expression, and the right to education.**

59. **Given the positive momentum surrounding the resumption of the talks and the commitment expressed by the leaders to work tirelessly to reach a comprehensive settlement of the question of Cyprus as soon as possible, it is hoped that those efforts will ultimately open avenues to improve the situation of human rights on the whole island. Addressing underlying and persisting human rights issues and concerns should underpin the political dialogue aimed at achieving a comprehensive settlement. Ensuring adequate women's participation and the consideration of gender-related issues in these discussions is essential.**

60. **A continuing strong, impartial and in-country human rights capacity will ensure that emerging issues from all communities are acknowledged and rapidly addressed. Further visits by special procedure mandate holders are encouraged, including on minority issues, the human rights of internally displaced persons, enforced or involuntary disappearances, and the right to education. It is also imperative that OHCHR and other relevant actors have access to the whole island and**

all affected persons, and enjoy the full cooperation of the Government of the Republic of Cyprus and the Turkish Cypriot authorities.

61. **Human rights do not have any borders. All stakeholders are therefore obliged to uphold the human rights and fundamental freedoms of all people. It is critical that all human rights protection gaps and underlying human rights issues in situations of protracted conflict be addressed effectively.**